

4. Defendant denies that this Court possesses subject matter jurisdiction under 18 U.S.C. §1961 under the allegations set forth in the Complaint.
5. Defendant denies that this Court possesses subject matter jurisdiction under 28 U.S.C. §1367 under the allegations set forth in the Complaint.
6. Defendant denies that venue is proper in this District and Division.
7. Defendant neither admits nor denies the allegations of the following paragraphs of the Complaint because they lack sufficient knowledge or information to form a belief as to their truth:

8	49	75	103	136	166	316
11	50	76	104	143	167	317
12	51	77	105	144	168	328
13	52	78	106	145	169	339
14	53	80	111	146	170	384
16	54	81	113	147	171	394
17	55	84	114	148	172	
18	56	85	115	149	173	
20	57	86	116	150	174	
21	58	87	117	151	184	
22	59	88	118	152	192	
25	60	89	119	153	200	
26	61	90	120	154	208	
27	62	91	121	155	216	
28	63	92	122	156	224	
29	64	93	123	157	234	
30	65	94	124	158	242	
31	66	95	125	159	250	
32	67	96	126	160	258	
36	68	97	127	161	268	
39	69	98	128	162	276	
43	71	99	129	163	284	
45	72	100	130	164	292	
46	73	101	131	165	300	
48	74	102	132		308	
			133			

8. Defendant denies the allegations in the following paragraphs of the Complaint:

34	185	226	265	302	340
35	186	227	266	303	341
37	187	228	270	304	342
38	188	229	271	305	343
40	189	229	272	306	344
41	190	230	273	310	345
42	194	231	274	311	346
47	195	232	278	312	347
70	196	236	279	313	348
79	197	237	280	314	350
82	198	238	281	319	351
83	202	239	282	320	352
112	203	240	286	321	353
134	204	244	287	322	354
135	205	245	288	323	355
137	206	246	289	324	356
139	210	247	290	325	357
140	211	248	294	326	358
141	212	252	295	330	359
142	213	253	296	331	368
178	214	254	297	332	369
179	218	255	298	333	370
180	219	256		334	
181	220	260		335	
182	221	261		336	
	222	262		337	
		263			
		264			

9. Pleading with particularity, Defendant answers the remaining paragraphs of the Complaint as follows:

7. Defendant admits that Chistolini & DeSimone, P.C. is a Massachusetts professional corporation engaged in the practice of law whose office is located at 20 McGrath Highway, Quincy, Massachusetts.

9. Defendant admits Chistolini resides in Massachusetts and has represented NIRR as its attorney. Defendant admits that Chistolini only acted in his representative capacity as an officer and attorney for NIRR in all dealings on behalf of NIRR. Defendant denies the remaining allegations contained in paragraph 9.
10. Defendant admits Marilyn Gardner resides in Massachusetts, that she is the President of NIRR and that she is an attorney. Defendant admits that at all times she only acted in her representative capacity as President of NIRR in any dealings with Claudia Hutchinson and Tsephanyah Hawkins as purported representatives of StenoScribe, Inc. Defendant denies the remaining allegations contained in paragraph 10.
15. Defendant neither admits nor denies the allegations because they lack sufficient knowledge to form a belief as to their truth. Defendant denies it criminally conspired with the Defendant Carter.
19. Defendant neither admits nor denies the allegations because they lack sufficient knowledge to form a belief as to their truth. Defendant denies it criminally conspired with the Defendant Hutchinson.
23. Defendant neither admits nor denies the allegations because they lack sufficient knowledge to form a belief as to their truth. Defendant denies it criminally conspired with the Defendant Oster.
24. Defendant admits the allegations contained in the first three sentences of paragraph 20, but denies the allegations contained in the fourth sentence.
33. Defendant admits NIRR agreed to purchase computer court reporting systems from StenoScribe, Inc. at a price of \$3,500 per system and denies the remaining allegations contained in paragraph 33.
44. Defendant neither admits nor denies the allegations because it lacks sufficient knowledge to form a belief as to their truth, but denies that the issuance of the Temporary Injunction constitutes action under color of state law.
107. Defendant admits that \$7,000 was sent to Defendant Carter to be held in escrow for the benefit of StenoScribe, Inc. pending the resolution of claims between the Plaintiffs and Hutchinson. Defendant neither admits nor denies the remaining allegations because they lack sufficient knowledge to form a belief as to their truth.

- 108. Defendant admits that the quoted portion of the October 13, 2003 letter from Defendant Carter is correctly stated.
- 109. Defendant admits that the quoted portion of the October 15, 2003 letter from Defendant Chistolini is correctly stated.
- 110. Defendant admits that the October 15, 2003 letter from Chistolini to Defendant Carter was sent solely in his capacity as attorney for NIRR and deny the remaining allegations contained in paragraphs 109.
- 112. Defendant denies the allegations contained in paragraphs 112 because a full accounting was provided to the Plaintiffs through their counsel, Defendant Self, on numerous occasions.
- 138. Defendant admits that Chistolini informed Defendant Self that \$84,000 was being held in escrow, but that \$4,080 was to be deducted from that amount for payments made to third party vendors who provided goods that were supposed to be provided by StenoScribe, Inc., but for which StenoScribe/CDS failed to pay. Defendant denies that a full accounting was not provided to CDS. Such accounting was provided on multiple occasions to its attorney, Defendant Self.

First Claim for Relief
Deprivation of Property Without Due Process

- 175. Defendant realleges and incorporates its answers to paragraphs 1-174 as if set forth separately herein.
- 177. Paragraph 177 states a conclusion of law to which no answer is required. To the extent that an answer is required, the allegations are denied.

Second Claim for Relief
Deprivation of Liberty Without Due Process

- 183. Defendant realleges and incorporates its answers to paragraphs 1-182 as if set forth separately herein.
- 188. Paragraph 188 states a conclusion of law to which no answer is required. To the extent that an answer is required, the allegations are denied.

Third Claim for Relief
Deprivation of 13th Amendment Right to be Free From Enslavement

- 191. Defendant realleges and incorporates its answers to paragraphs 1-190 as if set forth separately herein.
- 193. Paragraph 193 states a conclusion of law to which no answer is required. To the extent that an answer is required, the allegations are denied.

Fourth Claim for Relief
Deprivation of Freedom of Expression

- 199. Defendant realleges and incorporates its answers to paragraphs 1-198 as if set forth separately herein.
- 201. Paragraph 201 states a conclusion of law to which no answer is required. To the extent that an answer is required, the allegations are denied.

Fifth Claim for Relief
Deprivation of Privacy

- 207. Defendant realleges and incorporates its answers to paragraphs 1-206 as if set forth separately herein.
- 209. Paragraph 209 states a conclusion of law to which no answer is required. To the extent that an answer is required, the allegations are denied.

Sixth Claim for Relief
Deprivation of Property Without Due Process

- 215. Defendant realleges and incorporates its answers to paragraphs 1-214 as if set forth separately herein.
- 217. Paragraph 217 states a conclusion of law to which no answer is required. To the extent that an answer is required, the allegations are denied.

Seventh Claim for Relief
Deprivation of 13th Amendment Right to be Free From Enslavement

- 223. Defendant realleges and incorporates its answers to paragraphs 1-222 as if set forth separately herein.
- 225. Paragraph 225 states a conclusion of law to which no answer is required. To the extent that an answer is required, the allegations are denied.

Eighth Claim for Relief
Deprivation of Freedom of Expression

- 233. Defendant realleges and incorporates its answers to paragraphs 1-232 as if set forth separately herein.
- 235. Paragraph 235 states a conclusion of law to which no answer is required. To the extent that an answer is required, the allegations are denied.

Ninth Claim for Relief
Deprivation of Privacy

- 241. Defendant realleges and incorporates its answers to paragraphs 1-240 as if set forth separately herein.
- 243. Paragraph 243 states a conclusion of law to which no answer is required. To the extent that an answer is required, the allegations are denied.

Tenth Claim for Relief
Deprivation of Property Without Due Process

- 249. Defendant realleges and incorporates its answers to paragraphs 1-248 as if set forth separately herein.
- 251. Paragraph 251 states a conclusion of law to which no answer is required. To the extent that an answer is required, the allegations are denied.

Eleventh Claim for Relief
Deprivation of 13th Amendment Right to be Free From Enslavement

257. Defendant realleges and incorporates its answers to paragraphs 1-256 as if set forth separately herein.
259. Paragraph 259 states a conclusion of law to which no answer is required. To the extent that an answer is required, the allegations are denied.

Twelfth Claim for Relief
Deprivation of Freedom of Expression

267. Defendant realleges and incorporates its answers to paragraphs 1-266 as if set forth separately herein.
269. Paragraph 269 states a conclusion of law to which no answer is required. To the extent that an answer is required, the allegations are denied.

Thirteenth Claim for Relief
Deprivation of Privacy

275. Defendant realleges and incorporates its answers to paragraphs 1-274 as if set forth separately herein.
277. Paragraph 277 states a conclusion of law to which no answer is required. To the extent that an answer is required, the allegations are denied.

Fourteenth Claim for Relief
Deprivation of Property Without Due Process

283. The Defendant realleges and incorporates its answers to paragraphs 1-282 as if set forth separately herein.
285. Paragraph 285 states a conclusion of law to which no answer is required. To the extent that an answer is required, the allegations are denied.

Fifteenth Claim for Relief
Deprivation of 13th Amendment Right to Be Free from Enslavement

- 291. Defendant realleges and incorporates its answers to paragraphs 1-290 as if set forth separately herein.
- 293. Paragraph 293 states a conclusion of law to which no answer is required. To the extent that an answer is required, the allegations are denied.

Sixteenth Claim for Relief
Deprivation of Freedom of Expression

- 299. Defendant realleges and incorporates its answers to paragraphs 1-298 as if set forth separately herein.
- 301. Paragraph 301 states a conclusion of law to which no answer is required. To the extent that an answer is required, the allegations are denied.

Seventeenth Claim for Relief
Deprivation of Privacy

- 307. Defendant realleges and incorporates its answers to paragraphs 1-306 as if set forth separately herein.
- 309. Paragraph 309 states a conclusion of law to which no answer is required. To the extent that an answer is required, the allegations are denied.

Eighteenth Claim for Relief
RICO

- 315. Defendant realleges and incorporates its answers to paragraphs 1-314 as if set forth separately herein.
- 318. Paragraph 318 states a conclusion of law to which no answer is required. To the extent that an answer is required, the allegations are denied.

**Nineteenth Claim for Relief
RICO Conspiracy**

327. Defendant realleges and incorporates its answers to paragraphs 1-326 if set forth separately herein.
329. Paragraph 329 states a conclusion of law to which no answer is required. To the extent that an answer is required, the allegations are denied.

**Twentieth Claim for Relief
RICO**

338. Defendant realleges and incorporates its answers to paragraphs 1-337 if set forth separately herein.
341. Paragraph 341 states a conclusion of law to which no answer is required. To the extent that an answer is required, the allegations are denied.

**Twenty-First Claim for Relief
Forced Labor**

349. Defendant realleges and incorporates its answers to paragraphs 1-348 as if set forth separately herein.

**Twenty-Second Claim for Relief
Legal Malpractice**

- 360-366. This Count relates to parties other than the Defendant to which no answer is required. To the extent an answer is required the allegations are denied.

**Twenty-Third Claim for Relief
Unjust Enrichment**

367. Defendant realleges and incorporates its answers to paragraphs 1-366 as if set forth separately herein.

**Twenty-Fourth Claim for Relief
Intentional Infliction of Emotional Distress**

371. Defendant realleges and incorporates its answers to paragraphs 1-370 as if set forth separately herein.
- 372-374. This Count relates to parties other than the Defendant to which no answer is required. To the extent an answer is required the allegations are denied.

**Twenty-Fifth Claim for Relief
Breach of Fiduciary Duty**

375. Defendant realleges and incorporates its answers to paragraphs 1-374 as if set forth separately herein.
- 376-382 This Count relates to parties other than Defendant to which no answer is required. To the extent that an answer is required the allegations are denied.

**Twenty-Sixth Claim for Relief
Conspiracy to Deprive Rights**

383. Defendant realleges and incorporates its answers to paragraphs 1-382 as if set forth separately herein.
385. Paragraph 385 states a conclusion of law to which no answer is required. To the extent that an answer is required, the allegations are denied.
- 386-392 This Count relates to parties other than Defendant to which no answer is required. To the extent that an answer is required the allegations are denied.

**Twenty-Seventh Claim for Relief
Neglect to Prevent Conspiracy**

393. Defendants reallege and incorporate their answers to paragraphs 1-392 as if set forth separately herein.
- 394-400 This Count relates to parties other than Defendant to which no answer is required. To the extent that an answer is required the allegations are denied.

AFFIRMATIVE DEFENSES

First Affirmative Defense

This Court lacks personal jurisdiction over Defendant The National Institute of Realtime Reporters, Inc.

Second Affirmative Defense

This Court lacks subject matter jurisdiction over the claims asserted under 42 U.S.C. § 1983 as the complaint does not allege cognizable state action upon which such claims must be based.

Third Affirmative Defense

Plaintiffs' Second Amended Complaint fails to state a claim upon which relief can be granted against Defendant, The National Institute of Realtime Reporters, Inc.

Fourth Affirmative Defense

The Second Amended Complaint fails to plead its allegations of fraud with particularity as required by Fed. R. Civ. P. 9(b).

Fifth Affirmative Defense

The Second Amended Complaint fails to plead its allegation of special damages with particularity as required by Fed. R. Civ. P. 9(g).

Sixth Affirmative Defense

The Second Amended Complaint fails to plead with particularity the required predicate acts necessary to set forth a claim under 18 U.S.C. §§ 1961 and 1962.

Seventh Affirmative Defense

Payment for all software and technical services has been made.

Eighth Affirmative Defense

Plaintiffs' claims were satisfied before the filing of this lawsuit; there has been an accord and satisfaction.

Ninth Affirmative Defense

Plaintiffs are estopped from asserting causes of action against Defendant based upon actions of Defendant in following and in relying upon instructions given to it by counsel for the Plaintiffs.

Tenth Affirmative Defense

Plaintiffs are in material breach of the oral software purchase contract, have not performed the conditions of the contract, and therefore, are barred from any recovery under the contract or in quantum meruit.

Eleventh Affirmative Defense

Defendant acted in regard to the oral agreement to purchase court reporting software and services from StenoScribe, Inc. based upon the apparent authority of Claudia Hutchison to act for StenoScribe, Inc.

WHEREFORE, having fully answered, Defendant The National Institute of Realtime Reporters, Inc. respectfully prays judgment of the Court that the Plaintiffs claims against Defendant be dismissed, that Plaintiffs take nothing, that Defendant recover its costs and reasonable attorneys' fees, and for such other and further relief, general or special, at large or in equity, to which they may be entitled

Defendant demands a jury trial on all counts.

Respectfully submitted,

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/S/ Stephen H. Suttle

BY: _____

Stephen H. Suttle
State Bar No. 19526000

ATTORNEYS FOR THE NATIONAL
INSTITUTE OF REALTIME REPORTERS, INC.

CERTIFICATE OF SERVICE

This is to certify that on this 15th day of March, 2006, a true and correct copy of the foregoing was served on the Plaintiffs via certified mail, return receipt requested and all other parties will be served electronically via e-mail.

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